



The Honorable Ron Wyden
Chairman, U.S. Senate Committee on Finance
Washington, DC 20510

The Honorable Orrin Hatch
Ranking Member, U.S. Senate Committee on Finance
Washington, DC 20510

June 10, 2014

Dear Chairman Wyden and Ranking Member Hatch:

As Congress continues work on reauthorizing the surface transportation bill, the undersigned organizations remain strongly opposed to any efforts to raid the remaining \$1.4 billion from the Federal Leaking Underground Storage Tank (LUST) Trust Fund and divert future revenues collected for that program to offset the Highway Trust Fund. On behalf of our members and hundreds of thousands of employees across the country, we urge you to reject this funding approach being considered by members of the House.

As you are aware, the Federal LUST program was established in 1986 to ensure tank owners took appropriate measures to protect the environment and to assist States in cleaning up contamination from abandoned tanks. Our organizations' member companies have supported the LUST fund and have paid \$3.8 billion in LUST fees since its inception. In the Energy Policy Act of 2005 (EPAct), Congress expanded the scope of the program to enhance environmental protection and tank owner compliance. The bill required the States to inspect every tank once every three years, to establish training requirements for tank owners and operators, to prohibit the delivery of fuel into non-compliant tanks, and to enforce federal tank regulations against all tank owners. The Fund is financed by a 1/10th cent-per-gallon fee.

Despite a new spending authorization totaling \$200 million, Congress and the President have woefully under-funded the program, appropriating \$68.9 million for FY 2014. To make matters much worse, in 2012, Congress included a provision in the Highway bill that raided the LUST Trust Fund of \$2.4 billion dollars and moved it to the Highway Trust Fund. Rather than spend the money on its intended purpose, members of both parties have steadily used the funds to balance the books instead of protecting the health and water security of its constituents.

If the funds are diverted, Congress will have again missed an opportunity to demonstrate fiscal responsibility and help communities by funding cleanup projects, bringing these unused land resources back into the economy and employing potentially thousands of workers in each state. Further, by raiding the trust fund and reducing future resources generated by the fee, Congress threatens to weaken the very program designed to prevent future contamination.

Again, we urge you to reject any efforts that divert resources from the LUST Trust Fund for non-tank related purposes and to support funding of this program to clean up contaminated lands, put people back to work and help this economy grow.

Sincerely,

National Association of Convenience Stores
Petroleum Marketers Association of America
Society of Independent Gasoline Marketers of America